

TITLE II.

COUNTY ORGANIZATION AND ADMINISTRATION

(This Title deals with the organization and administration of the County government and the regulations governing its elected and appointed officials. Reference should also be made to the Kauai County Charter wherein lies a more thorough and comprehensive treatment of the County government.)

CHAPTER

- 2 COUNTY ORGANIZATION AND ADMINISTRATION
- 3 INTERNAL COUNTY REGULATIONS
- 4 GENERAL PROVISIONS RELATING TO COUNTY ORGANIZATION AND ADMINISTRATION

CHAPTER 2

COUNTY ORGANIZATION

(The purpose of this Chapter is to list the various County departments, boards, commissions, committees and agencies created by either County charter, State statute or by County ordinance and resolution. However, only where a department, board, commission, committee or agency has been created or regulated specifically by ordinance will the provisions governing the organization and administration of that body be discussed in full in this Chapter. For all others, reference must be made to the appropriate County charter provision, State statute or County resolution. Temporary and advisory boards and commissions have been omitted from this Chapter.)

- Article 1. County Departments
- | | |
|-------------|------------------------------------|
| Sec. 2-1.1 | Office Of The County Attorney |
| Sec. 2-1.2 | Civil Defense Agency |
| Sec. 2-1.3 | Department Of Personnel Services |
| Sec. 2-1.4 | Department Of The County Clerk |
| Sec. 2-1.5 | Office Of Economic Development |
| Sec. 2-1.6 | Agency On Elderly Affairs |
| Sec. 2-1.7 | Department Of Finance |
| Sec. 2-1.8 | Fire Department |
| Sec. 2-1.9 | Liquor Control Commission |
| Sec. 2-1.10 | Planning Department |
| Sec. 2-1.11 | Police Department |
| Sec. 2-1.12 | Office Of The Public Defender |
| Sec. 2-1.13 | Office Of The Prosecuting Attorney |
| Sec. 2-1.14 | Department Of Public Works |
| Sec. 2-1.15 | Department Of Water |
| Sec. 2-1.16 | County Housing Agency |
| Sec. 2-1.17 | Central Coordinating Agency |
| Sec. 2-1.18 | Transportation Agency |
| Sec. 2-1.19 | Offices of Community Assistance |
| Sec. 2-1.20 | Recreation Agency |

Article 2.	Boards, Commissions And Committees
Sec. 2-2.1	County Pension Board
Sec. 2-2.2	Pension Board For Police Officers And Fire Fighters
Sec. 2-2.3	County Highway Safety Council
Sec. 2-2.4	Board Of Ethics
Sec. 2-2.5	Police Commission
Sec. 2-2.6	Planning Commission
Sec. 2-2.7	Board Of Water Supply
Sec. 2-2.8	Salary Commission
Sec. 2-2.9	Kauai Historic Preservation Review Commission
Sec. 2-2.10	Cost Control Commission
Article 3.	Administrative Code
Sec. 2-3.1	Purpose And Title
Sec. 2-3.2	Executive Agencies
Sec. 2-3.3	Administrative Organization

ARTICLE 1. COUNTY DEPARTMENTS

Sec. 2-1.1 Office Of The County Attorney.

There shall be an office of the county attorney as provided by law. (Art. VIII, Charter; Sec. 2-1.1, R.C.O. 1976)

Sec. 2-1.2 Civil Defense Agency.

There shall be a civil defense agency as provided by law. (Art. XVIII, Charter; Sec. 2-1.2, R.C.O. 1976)

Sec. 2-1.3 Department Of Personnel Services (Civil Service Commission).

There shall be a department of personnel services as provided by law. (Art. XV, Charter; Sec. 2-1.3, R.C.O. 1976)

Sec. 2-1.4 Department Of The County Clerk.

There shall be a department of the county clerk as provided by law. (Art. V, Charter; Sec. 2-1.4, R.C.O. 1976)

Sec. 2-1.5 Office Of Economic Development.

There shall be an office of economic development as provided by law. (C. 20, H.R.S.; Sec. 2-1.5, R.C.O. 1976)

Sec. 2-1.6 Agency on Elderly Affairs.

(a) Declaration of Purpose. This Section shall provide a more permanent status to the present organization titled "Kauai County Committee on Aging" established by Resolution No. 38 (1964) of the then Board of Supervisors and to separate the advisory committee and the administrative agency involved in the program for the elderly. The declaration of purpose set forth in Chapter 349, Hawaii Revised Statutes, shall be adopted by the County as its purpose in establishing the County's program for the elderly.

(b) Organization and Administration. There shall be an administrative agency called the "Agency on Elderly Affairs" under the Offices of Community Assistance. The agency shall be headed by an executive on aging, whose position shall be subject to the provisions of chapters 76 and 77, Haw. Rev. Stat. The executive on aging shall be under the direct supervision and control of the director of community assistance. The executive on aging may establish staff positions as may be funded by the County Council and as may be within the funds available for staffing from Federal, State or County funds.

(c) Annual Budget. The executive on aging shall prepare an annual budget for the Agency on Elderly Affairs commencing with the annual budget for fiscal year 2000-2001. The annual budget shall include an accounting of all funds to be received from all sources, including County, State and Federal funds, and for all expenditures to be made from such funds. This annual budget shall be furnished to the director of community assistance, who shall in turn furnish this budget to the Director of Finance and the Mayor, who shall submit it as part of the annual budget ordinance of the County to the Council, as provided in the Kauai County Charter. No funds shall be expended from any accounts unless authorized by the County pursuant to the budgetary process. The use of all Federal funds proposed in the Agency on Elderly Affairs' budget shall be subject to all applicable Federal regulations, laws and restrictions.

(d) All agreements, contracts, documents and other written instruments relating to the operations of the Agency on Elderly Affairs shall be prepared by the executive on aging and approved by the director of community assistance, and thereafter signed by the Mayor or Director of Finance, as provided in the Kauai County Charter or Kauai County Code, 1987, Council approval shall also be obtained.

(e) Advisory Council. An advisory council titled "Elderly Affairs Advisory Council" shall be established to advise the director of community assistance and the executive on aging on matters relating to the programs, interests and needs of the elderly. The advisory council shall consist of not less than fifteen (15) members who shall be appointed by the Mayor. The composition of the advisory council and its regulations shall be as set forth in Chapter 349, Hawaii Revised Statutes. (Ord. No. 215, June 6, 1974; Sec. 2-1.6, R.C.O. 1976; Ord. No. 740, July 6, 1999; Ord. No. 802, May 28, 2003)

Sec. 2-1.7 Department of Finance.

There shall be a department of finance as provided by law. (Art. X, Charter; Sec. 2-1.7, R.C.O. 1976)

Sec. 2-1.8 Fire Department.

There shall be a fire department as provided by law. (Art. XII, Charter; Sec. 2-1.8, R.C.O. 1976)

Sec. 2-1.9 Liquor Control Commission.

There shall be a liquor control commission as provided by law. (Art. XVI, Charter; Sec. 2-1.9, R.C.O. 1976)

Sec. 2-1.10 Planning Department.

There shall be a planning department as provided by law. (Art. XIV, Charter; Sec. 2-1.10, R.C.O. 1976)

Sec. 2-1.11 Police Department.

There shall be a police department as provided by law. (Art. XI, Charter; Sec. 2-1.11, R.C.O. 1976)

Sec. 2-1.12 Office Of The Public Defender.

There may be an office of the public defender as provided by law. (Art. IX, Charter; Sec. 2-1.12, R.C.O. 1976)

Sec. 2-1.13 Office Of The Prosecuting Attorney.

There shall be an office of the prosecuting attorney as provided by law. The prosecuting attorney may appoint investigators who shall have all the powers and privileges of a police officer of the County. All investigators must have the minimum qualifications for the class as established by the Department of Personnel Services. (Art. IXA, Charter; Sec. 2-1.13, R.C.O. 1976; Ord. No. 593, October 22, 1991)

Sec. 2-1.14 Department Of Public Works.

There shall be a department of public works as provided by law. (Art. XIII, Charter; Sec. 2-1.14, R.C.O. 1976)

Sec. 2-1.15 Department Of Water.

There shall be a department of water as provided by law. (Art. XVII, Charter; Sec. 2-1.15, R.C.O. 1976)

Sec. 2-1.16 Kauai County Housing Agency.

(a) Purpose. A Kauai County Housing Agency is hereby established for the purpose of:

(1) Providing housing opportunities for eligible persons and families, including, but not limited to, lower and moderate income persons and families, elderly persons, and handicapped persons;

(2) Providing housing opportunities for eligible persons and families by assisting them to obtain low cost housing;

(3) Acting as the local Public Housing Agency for the County of Kauai for the purposes of participating in

and implementing federally-aided housing, urban renewal, and community development programs, including, but not limited to, the Federal Housing Assistance Payments Programs;

(4) Acting as the local agency for the County of Kauai for the purposes of participating in and implementing the Community Development Block Grant Program; and

(5) Acting as the agency responsible for coordinating the exercise of powers delegated to the counties pursuant to Sections 46-15, 15.1 and 15.2, and Chapter 53 of the Hawaii Revised Statutes, as amended, and for administering and supervising the programs and projects implemented as a result of the exercise by the County of Kauai of such powers.

(b) Definitions. When used in this Section the following words and phrases shall have the following meaning unless it shall be apparent from the context that a different meaning is intended:

(1) "Administrative Fee" means all monies and fees received by the Section 8 Program from the State of Hawaii, HUD, or any other federal sources, including the "Hard to House" fees and other such payments, for the administrative operation of the Section 8 Program.

(2) "CDBG" means the Community Development Block Grant created pursuant to the Housing and Community Development Acts of 1974 and 1980, and the amendments thereto.

(3) "Council" means the Council of the County of Kauai.

(4) "County" means the County of Kauai.

(5) "Federal Housing Assistance Payments Program" means the program created by Section 8 of the Housing and Community Development Acts of 1974 and 1980, and the amendments thereto.

(6) "Fiscal Year" means the fiscal year utilized by the County for its budgetary purposes.

(7) "HUD" means the United States Department of Housing and Urban Development.

(8) "KCHA" means the Kauai County Housing Agency.

(9) "Operating Reserve Account" means the account to which all Surplus Funds shall be credited. Upon adoption of this Ordinance, all funds previously received, retained, earned or generated by the Section 8 Program, wherever situated, which meet the definition of Surplus Funds as defined herein, shall be transferred into and shall become part of the Operating Reserve Account.

(10) "Operating Reserve Funds" means all of the funds maintained in the Operating Reserve Account.

(11) "Public Housing Agency" is the term used by HUD to identify local entities eligible to receive HUD

housing funds and, as used in regard to the County means the KCHA.

(12) "Rental Payment Assistance Funds" means the funds received by the Section 8 Program to be used for the rental payments of eligible participants in the Section 8 Program's Rental Assistance Program.

(13) "Restrictions on Sale or Transfer, and Use" is the term used to identify the anti-speculative repurchase provision that applies to all real property purchased from the County that has been acquired, financed, developed, constructed, or sold pursuant to this Section.

(14) "Section 8 Administrative Account" means the account containing the Section 8 Program's administrative fees.

(15) "Section 8 Program" means the division of the KCHA which administers the funds received pursuant to, and supervises the programs resulting from, the Federal Housing Assistance Payments Program.

(16) "Surplus Funds" means the amount by which the Section 8 Program's project receipts from the Administrative Fee payments, together with any remaining carry-over surplus funds from prior fiscal years, exceed the total expenditures for the administration of the Section 8 Program for the just concluded fiscal year.

(c) Kauai County Housing Agency. There shall be an agency called the "Kauai County Housing Agency" to provide adequate low-cost housing and assist in community development in the County of Kauai, as the agency may deem necessary and appropriate. The agency shall be under the Offices of Community Assistance.

(d) Executive on Housing. There shall be an Executive on Housing who shall be under the direct supervision and control of the director of community assistance. The Executive on Housing shall have the following duties and responsibilities:

(1) To administer the operations of the KCHA and its programs and projects;

(2) To staff the KCHA with necessary personnel to carry out the purposes of the KCHA;

(3) To coordinate the operations and programs of the KCHA with the applicable housing plans and programs of the County, State and Federal governments;

(4) To prepare all programs and contracts with the State and Federal governments to carry out the purposes of the KCHA, and to transmit them to the appropriate County persons or bodies for approval;

(e) Powers, Duties and Responsibilities of the Kauai County Housing Agency.

(1) The KCHA shall be responsible for coordinating the exercise by the County of the powers provided in Sections 46-15, 15.1 and 15.2, and Chapter 53 of the Hawaii Revised Statutes and for administering and supervising the programs and projects implemented as a result of the exercise by the County of such powers.

(2) In order to implement and provide the programs, projects or services resulting from the exercise by the County of the powers enumerated in paragraph (1), the KCHA may, subject to applicable County, State, and Federal laws, regulations, and guidelines, do any of the following:

(A) Develop and construct dwelling units, alone or in partnership with developers;

(B) Provide assistance and aid to a public agency or persons in developing and constructing new housing and rehabilitating old housing for the elderly of low income, other persons of low income, persons displaced by any government action, by making long-term mortgage or interim construction loans available;

(C) Contract with any eligible bidders to provide for construction of urgently needed housing;

(D) Enter into agreements with appropriate officials of any agency or instrumentality of the United States in order to induce such official to make, insure, or guarantee mortgage loans under the provisions of the National Housing Act, as amended, with the approval of the KCHA;

(E) Make a direct loan to any qualified buyer for the down payment required by a private lender to be made by the borrower as a condition of obtaining a loan from the private lender in the purchase of residential property;

(F) Sell or lease completed dwelling units;

(G) Assist in the leasing of private and public dwellings;

(H) Acquire and utilize public and private lands for the purposes of this Section;

(I) Provide interim construction loans to partnerships of which it is a partner and to developers whose projects qualify for federally assisted project mortgage insurance, or other similar programs of federal assistance for persons of low income;

(J) Apply for and utilize Federal and State rental payment assistance funds;

(K) Provide County funds for rental payment assistance for private and public dwellings; and

(L) Adopt such rules pursuant to Chapter 91 of the Hawaii Revised Statutes as are necessary to carry out the purposes of this Section.

(3) When so required by the conditions of a State or Federal grant of funds, the KCHA shall establish a separate account for such funds and no commingling of such funds with other funds shall take place.

(4) All agreements, contracts, documents and other written instruments relating to the operations of the KCHA shall be prepared by the Executive on Housing and

approved by the director of community assistance, and thereafter signed by the Mayor or the Director of Finance, as provided in the Kauai County Charter. When so required by the Kauai County Charter or Kauai County Code, 1987, Council approval shall also be obtained.

(5) The KCHA shall be responsible for administering, supervising and implementing a Section 8 Program which shall participate in and implement the Federal Housing Assistance Payments Program.

(6) The KCHA shall be responsible for administering, supervising and implementing a CDBG Program for the purposes of obtaining, distributing and utilizing CDBG funds.

(f) Real Property; General Provisions of Restrictions on Sale or Transfer, and Use.

(1) Title and Purpose. The County shall implement an anti-speculative buy-back provision that shall be known as the "Restrictions on Sale or Transfer, and Use." These restrictions shall apply to the sale or transfer of any real property and apply to the use of any real property acquired, financed, developed, constructed, or sold by the County pursuant to this Section and which are sold on the condition that the purchaser accepts the restrictions on the sale or transfer, and use in the real property purchased. The restrictions shall also apply to privately developed real property that is sold to satisfy an affordable housing requirement and which, by mutual agreement between the County and the private developer, requires that such sales be subject to the County's Restrictions on Sale or Transfer, and Use.

(2) Relevance to State Law. The restrictions on sale or transfer, and use are in a form substantially equivalent to the provisions of Sections 201E-221, 222, and 223, Hawaii Revised Statutes. These restrictions on sale or transfer, and use clarify the intent of various provisions of State law and utilize provisions that are in some cases more stringent.

(3) Severalty. If any part of this Subsection is declared by the Court to be invalid, the same shall not affect the validity of the Subsection as a whole, or any part thereof other than the part so declared invalid.

(4) Duration of Restrictions. Where the restrictions on sale or transfer, and use of property apply for a period of time, the period of time shall not be increased beyond the date calculated from the date of original purchase without the mutual consent of the owner and the Kauai County Housing Agency (KCHA). The

period of time that the restrictions on sale or transfer, and use shall apply is as follows:

(A) For real property acquired, financed, developed, constructed, or sold by the County through the KCHA, the restrictions shall apply for a period of ten (10) years during which the dwelling unit is occupied by the owner, and

(B) For real property sold by a private developer satisfying an affordable housing requirement that by mutual agreement between the County and the private developer is subject to these restrictions, the restrictions may apply for a period of less than the ten (10) year occupancy period, with the time period of the restriction established either pursuant to adopted policy guidelines or written agreement between the developer and the County.

(5) Modification of Restrictions. No real property owner shall be entitled to modify the restrictions on sale or transfer, and use of the real property, without the written permission of the holder of a duly-recorded first mortgage on the real property and the owner of the fee simple or leasehold interest in the land, unless the holder of the first mortgage or the owner is the County.

(6) Uniformity of Restrictions. Restrictions on sale or transfer, and use of real property shall be made as uniform as possible in application and restrictions shall be conformed with agreement of the owner to reflect change or repeal made by any subsequent ordinance, rule or regulation. Real property owners shall be permitted at their election to sell or transfer real property subject to restrictions in effect at the time of their sale or transfer.

(7) Public Notice of Amendment to Restrictions. The KCHA shall notify owners of any substantial change in restrictions made by ordinance, rule or regulation not more than one hundred eighty days after a change in restrictions, and such notice shall clearly state the enacted or proposed new provisions, the date or dates upon which they are to be effective, and offer to each owner of real property sold prior to such effective date an opportunity to modify the existing contract or other instrument to incorporate the most recent provisions. The notice shall be published at least three times in a newspaper of general circulation in a County newspaper.

(8) Market-Oriented Real Property. The restrictions on sale or transfer, and use shall not apply to market-priced real property in an economically integrated housing project.

(9) Waiver to Comply to Federal Law Or Regulation. The KCHA shall be authorized to waive any of the restrictions on sale or transfer, and use in order to comply with or conform to requirements set forth in

federal laws or regulations governing mortgage insurance or guarantee programs or requirements set forth by federally chartered secondary mortgage market participants. For the purposes of these restrictions, the United States Department of Housing and Urban Development shall be defined as and considered a mortgage holder.

(10) Release of Repurchase Right and Occupancy Requirement. If the real property is financed under a federally subsidized mortgage program and these restrictions would jeopardize the federal government's ability to recapture any interest credit subsidies that were provided to the owner; or if the real property is in poor condition and the resale of the property, with or without repairs and rehabilitation to correct deficiencies, may be construed to expose the County to an unacceptable amount of economic or liability risk; or if the calculated repurchase price of the real property is comparable to or above the unrestricted market value of the property, the County may decline its first option to purchase the real property subject to the restrictions on sale or transfer, and use; and the owner may then transfer the real property to any subsequent owner or transferee, without buyer, price, or occupancy restriction, and the restrictions on sale or transfer, and use, shall be automatically extinguished and shall not attach in subsequent transfers of title, provided that:

(A) The County will decline its first option to purchase for a period of time not to exceed one (1) year, during which time of the release, the real property owner must sell or transfer title; and

(B) Upon the sale or transfer of the real property, the owner shall be required to pay any amount owing the County, including any mortgage note or other loan, any subsidy or deferred sales price, interest on any amount owing, and the County's share of any net appreciation pursuant to the County's Shared Appreciation Program, if applicable.

(11) Mortgage Consents. The Executive on Housing shall consent to mortgages and liens on the property for the purpose of financing, re-financing, purchase of the fee simple title, repayment of a subsidy or deferred sales price, payment of the County's share of appreciation for real property subject to the County's Shared Appreciation Program, construction of essential or modest capital improvements, or catastrophic household medical expenditures of an emergency or life-threatening nature, provided the total principal balance of all mortgages and liens does not exceed the amount prescribed by Subsection (g)(1)(A). However, in the case of re-financing a federally subsidized mortgage, the Executive on Housing shall consent to the re-finance of a loan in excess to the amount prescribed by

Subsection (g)(1)(A) and up to a total amount that does not exceed the principal balance of all mortgages and liens that have obtained the County's prior consent and accrued interest credit subsidy. In addition, the Executive on Housing may consent to mortgages or liens in excess of the amount prescribed by Subsection (g)(1)(A) that are created solely for the purpose of enabling the owner to add capital improvements to the real property that are essential or modest and which shall proportionately increase the amount prescribed in Subsection (g)(1)(A) when completed.

(12) The County's interest created by the provisions of these restrictions shall constitute a lien on the real property and shall be superior to any other mortgage or lien, except those mortgages or liens:

(A) Created solely for the purchase of the real property;

(B) Insured or held by a federal housing agency; or

(C) Created with the written consent of the County.

(13) Subsidy or Deferred Sales Price. In any sale by the County of real property for which a subsidy or deferred sales price was made by the County, as described in Subsection (g)(1)(C)(ii), the amount, a description of the cost items, and the conditions of the subsidy or deferred sales price shall be clearly stated at the beginning of the contract document issued by the County.

(14) Application of Restrictions. The provisions of Subsections 2-1.16(f), (g) and (h), herein shall be incorporated in any deed, lease, agreement of sale, or other instrument of conveyance, rule or regulation relating to restrictions on sale or transfer, and use of real property purchased from the County through its KCHA or real property privately developed and sold to satisfy an affordable housing requirement and, by mutual agreement between the County and the private developer, is subject to these restrictions.

(g) Real Property; Restrictions on Sale or Transfer, Waiver of Restrictions.

(1) Restrictions on Sale or Transfer. The following restrictions shall apply to the sale or transfer of any real property purchased through the KCHA from the County or real property privately developed and sold to satisfy an affordable housing requirement and, by mutual agreement between the County and the private developer, is subject to these restrictions whether on fee simple or leasehold property.

(A) For a period of ten years after the purchase of a dwelling unit, during the five-year construction period after the purchase of a vacant lot, and for a period of ten years from the occupancy of a dwelling unit constructed by or for

the owner on a vacant lot, whether ownership of the dwelling unit or vacant lot is from an original or subsequent purchase, and whether by lease, assignment of lease, deed, or agreement of sale, if the owner wishes to sell or to transfer title to the real property or the lease, the County shall have the first option to purchase the real property or lease at a price which shall not exceed the sum of:

(i) The original cost to the owner;

(ii) The cost of any capital improvements added by the owner, provided that for a vacant lot owner, the cost of a dwelling unit constructed by an owner-builder, including a participant in a County sponsored self-help housing project, shall be the initial building assessment value determined by the County's Real Property Tax Division, Department of Finance or the total documented cost of construction, whichever is greater; and

(iii) Simple interest on the original cost to the owner and the cost of capital improvements added to the property by the owner at the rate of one percent a year.

(B) The County may purchase the unit either free and clear of all mortgages and liens or subject to existing mortgages and liens.

(i) If the real property is conveyed free and clear of all mortgages and liens, it shall be conveyed to the County only after all mortgages and liens are released.

(ii) If the real property is conveyed subject to existing mortgages and liens, the County shall assume the seller's obligation on any first mortgage created for the sole purpose of purchasing the real property and for any other mortgage or lien that the County has consented to in writing. The amount paid by the County to the seller shall be the difference, if any, between the purchase price determined by the provisions in Subsection (g) (1) (A) and the total of the outstanding principal balances of the mortgages and liens assumed by the County.

(iii) If the real property is financed under a federally subsidized mortgage program, in lieu of the release of these restrictions pursuant to Subsection (f) (10), the County, at its sole option, may purchase the property for a sum in excess of the amounts prescribed in Subsection (g) (1) (A) and equal to the sum of mortgagee's principal balance plus accrued interest credit subsidy.

(C) After the end of the tenth year from the date of purchase, or execution of an agreement of sale, the owner may sell the real property or assign the property to any person or firm free from any price restrictions; provided that the owner shall be required to pay to the County the sum of:

(i) The balance of any mortgage note, agreement of sale, or other amount owing to the County, including the County's share of any net appreciation on real property subject to the County's Shared Appreciation Program, if applicable;

(ii) Any subsidy or deferred sales price made by the County in the acquisition, financing, development, construction, and sale of real property, and any other amount expended by the County not counted as cost in the original sales price but charged to the real property by good accounting practice as determined by the KCHA whose books shall be prima facie evidence of the correctness of the costs; and

(iii) Interest on the subsidy and any other amount expended at the rate of seven percent a year computed as to the subsidy or deferred sales price, from the date of purchase, or execution of the agreement of sale, and as to any amount expended, from the date of expenditure; provided that the computed interest shall not extend beyond thirty years from the date of purchase, or execution of agreement of sale, of the property; and provided that if any proposed sale or transfer will not generate an amount sufficient to pay the County the sum computed under this paragraph the County shall have the first option to purchase the real property at a price which shall not exceed the sum as computed under Subsection (g) (1) (A).

(D) Notwithstanding any provision above to the contrary, pursuant to rules adopted by the KCHA, the subsidy or deferred sales price described in Subsections (g) (1) (C) (ii) and any interest accrued pursuant to Subsection (g) (1) (C) (iii) may be paid at any time.

(2) Waiver of Restrictions. The restrictions prescribed in Subsection (g) (1) may be waived by the Executive on Housing if:

(A) The owner wishes to transfer title to the real property or lease by devise or through the laws of descent to an immediate family member who would otherwise qualify under rules established by the KCHA and who accept the restrictions on sale or

transfer, and use, which shall be reinstated with the effective date of the original purchase, and provided that the immediate family member accept reinstatement of the County's Shared Appreciation Program, if applicable; or

(B) The sale or transfer of the real property would be at a price and upon terms that preserve the anti-speculative intent of these restrictions without the necessity of the County to repurchase the real property and that the sale or transfer is to a subsequent owner or transferee determined eligible by the KCHA, provided that the subsequent owner or transferee accept the restrictions on sale or transfer, and use, which shall be reinstated as of the new effective date of the subsequent purchase, and further provided that the subsequent owner or transferee accept reinstatement of the County's Shared Appreciation Program, if applicable.

(3) Foreclosure of Real Property.

(A) The restrictions on sale or transfer, and use shall be automatically extinguished and shall not attach in subsequent transfers of title when a mortgagee or other party becomes the owner of the real property or leasehold interest pursuant to a mortgage foreclosure, foreclosure under power of sale, or a conveyance in lieu of foreclosure after a foreclosure action is commenced or when a mortgage is assigned to a federal housing agency. Any law to the contrary notwithstanding, a mortgagee under a mortgage covering title or leasehold interest of real property encumbered by the first option to purchase in favor of the County, prior to commencing mortgage foreclosure proceedings, shall notify the County in writing of:

(i) Any default of the mortgagor under the mortgage within ninety days after the occurrence of the default, and

(ii) Any intention of the mortgagee to foreclose the mortgage under Chapter 667, Hawaii Revised Statutes, provided that the mortgagee's failure to provide such written notice to the KCHA shall not affect such holder's rights under the mortgage.

(B) The County shall be a party to any foreclosure action, and shall be entitled to all proceeds remaining in excess of all customary and actual costs and expenses of transfer pursuant to default, including liens and encumbrances of record; provided that the person in default shall be entitled to an amount which shall not exceed the sum of amounts determined pursuant to Subsection (g) (1) (A) less any amounts determined to

be customary and actual costs and expenses of transfer pursuant to default.

(h) Real Property; Restrictions on Use.

(1) Occupancy Requirements. Real property purchased from the County through its KCHA or real property privately developed and sold to satisfy an affordable housing requirement and, by mutual agreement between the County and the private developer, is subject to these restrictions requires that the dwelling unit shall be occupied by the owner at all times during the applicable restriction period, except in a hardship circumstance where a temporary occupancy waiver is provided by the Executive on Housing or occupancy is temporarily suspended as a result of a natural disaster that renders the dwelling unit non-habitable.

(A) Dwelling units purchased from the County begin the ten-year restriction period from the date of purchase; and

(B) Vacant lots purchased from the County require the owner to build or have built a dwelling unit on the vacant lot and that the dwelling unit shall be completed and shall be occupied by the owner within five years from the date of purchase of the vacant lot. Upon occupancy of the completed dwelling unit, the ten-year restrictions on sale or transfer, Subsection (g), and the applicable ten-year restrictions on use, Subsection (h), shall begin.

(2) Verification of Occupancy. From time to time the KCHA may submit a verification of owner-occupancy form to the owner during the restriction period. Failure to respond to the verification in a timely manner or violation of Subsection (h)(1) shall be sufficient reason for the County, at its option, to purchase the real property as provided by Subsection (g)(1)(A).

(3) Release of Repurchase Right or Foreclosure of Real Property. The restrictions prescribed in Subsection (h)(1) shall be automatically extinguished and shall not attach in subsequent transfers of title as prescribed in Subsection (g)(3) or Subsection (g)(4).

(4) Waiver of Restrictions. The restrictions prescribed in Subsection (h)(1) may be temporarily waived by the Executive on Housing for a period of time up to one (1) year for a hardship circumstance, during which time the dwelling unit may be rented or leased, provided that:

(A) The hardship circumstance is an unforeseeable job or military transfer, a temporary educational sabbatical, a serious illness of the owner or a member of the owner's household, or such other hardship circumstance as determined by the KCHA on a case by case basis;

(B) The waiver may be granted only to qualified residents who have paid resident State income taxes during all years in which they occupied the dwelling and who shall continue to pay resident State income taxes during the waiver period;

(C) The term of the Restriction on Sale or Transfer, and Use shall be extended by one day for each day that the owner occupancy requirement is waived;

(D) The term of the waiver may be extended or other waivers may be approved at other time periods provided the total occupancy waiver period may not exceed ten (10) years.

(E) The County may recover all relevant administrative expenses and attorney's fees from the owner; and

(F) Failure to re-occupy the dwelling unit by the owner at the end of the temporary waiver period shall be sufficient reason for the County, at its option, to purchase the real property as provided in Subsection (g) (1) (A).

(i) Use of Surplus and Operating Reserve Funds.

(1) Within thirty (30) days after the conclusion of each fiscal year, the Executive on Housing shall determine the amount of surplus funds resulting from the operation of the Section 8 Program from the just concluded fiscal year and shall credit all such funds to the Operating Reserve Account.

(2) The Operating Reserve Funds may be used for any of the following purposes pursuant to the provisions of Subsection (g):

(A) For the administration of the Section 8 Program;

(B) For the administration of any other County housing program or project;

(C) For the hiring of additional staff, the purchase of equipment, or the construction of capital improvements for the Section 8 Program or for any other County housing program or project;

(D) For the promotion or implementation of any of the purposes, programs, or projects provided for in this Section;

(E) For the promotion or implementation of any of the powers granted to the County pursuant to Sections 46-15, 15.1 and 15.2 and Chapter 53 of the Hawaii Revised Statutes; and

(F) For any other housing related purposes, services or activities determined by the Council to be consistent with this Section.

(j) Annual Budget. The Executive on Housing shall prepare an annual budget for the KCHA in the same manner as any other County department. This budget shall include an accounting of all funds to be received from all sources,

including County, State and Federal funds, and for all expenditures to be made from such funds. This annual budget shall be furnished to the director of community assistance, who shall in turn furnish this annual budget to the Director of Finance and the Mayor, who shall submit it as part of the annual budget ordinance of the County to the Council, as provided in the Kauai County Charter. Included in the KCHA annual budget shall be all proposed expenditures from all special fund accounts, including but not limited to, the Operating Reserve Account, the Housing Revolving Fund, and the Housing and Community Development Revolving Fund. No funds shall be expended from such special fund accounts unless authorized by the Council. The use of all Federal funds proposed in the KCHA annual budget shall be subject to all applicable Federal regulations, laws, and restrictions.

(k) Waiver of Provisions. If any of the provisions of this Section jeopardizes the receipt by the County or the KCHA of any Federal or State grant-in-aids or any other Federal or State allotment of money, such provision may, insofar as such fund is jeopardized, be waived by the Council upon the recommendation of the Mayor. (Ord. No. 280, May 5, 1976; Sec. 2-1.16, 1978 Cumulative Supplement; Ord. No. 372, September 19, 1979; Ord. No. 490, June 26, 1986; Ord. No. 557, September 19, 1989; Ord. No. 570, June 26, 1990; Ord. No. 611, November 25, 1992; Ord. No. 676, February 13, 1995; Ord. No. 710, October 14, 1996; Ord. No. 740, July 6, 1999; Ord. No. 802, May 28, 2003)

Sec. 2-1.17 Central Coordinating Agency.

(a) Purpose. The purpose of this Section is to improve the coordination and efficiency of land use and planning control systems.

(b) Central Coordinating Agency. The planning department is hereby designated the central coordinating agency of the County of Kauai.

(c) Functions. The central coordinating agency shall, in addition to its existing functions, perform the following:

(1) Repository of all laws. Maintain and continuously update a repository of all laws, rules and regulations, procedures, permit requirements, and review criteria of all federal, state and county agencies having any control or regulatory power over land development projects within the County of Kauai and make said repository and knowledgeable personnel available to inform any person requesting information as to the applicability of the same to a particular proposed project within the County of Kauai.

(2) Master form. Study the feasibility and advisability of utilizing a master application form to file concurrently applications for amendments to a county general plan, change in zoning, special management area permit, and other permits and procedures required for land development projects within the County of Kauai to the extent practicable with one master application.

(3) Master file. Maintain all applications for building permits, subdivision maps, and land use designations of the State and County of Kauai.

(4) Coordinating meetings. Schedule and coordinate, to the extent practicable, any referrals, public informational meetings, or any public hearings with those held by other federal, state and/or county commissions or agencies pursuant to existing laws pertaining to the County of Kauai.

(d) Cooperation. All county departments, divisions, agencies and commissions of the County of Kauai shall cooperate with the designated central coordinating agency in making available and updating information regarding laws, rules and regulations, procedures, permit requirements and review criteria they enforce upon land development projects.

(e) Severability. If any provision of this Section, or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

(f) Procedure. The central coordinating agency shall adopt necessary rules pursuant to Chapter 91 of the Hawaii Revised Statutes to implement this section. (Ord. No. 375, November 27, 1979)

Sec. 2-1.18 Transportation Agency.

(a) Purpose. The Transportation Agency shall be responsible for the formulation and implementation of policies and objectives, administration and operation of the mass transit systems.

(b) Definitions. When used in this section, the following words and phrases shall have the following meaning unless it shall be apparent from the context that a different meaning was intended:

(1) "Mass transit" means transportation by bus, rail, or other conveyance, either publicly or privately owned, provided to the public general or special service (but not including school buses or charter or sightseeing service) on a regular and continuing basis.

(2) "County bus system" means the public mass transit service provided by the County through the use of buses regularly scheduled and operating over fixed routes or periodic or specially scheduled public mass transit service for special events through the use of buses.

(3) "Bus" means a motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons. The term shall not include a vehicle designed for operation on a fixed guide.

(c) Organization and Administration. There shall be an administrative agency called the "Transportation Agency" under the Offices of Community Assistance. The agency shall be headed by an executive on transportation. The executive on

transportation shall be under the direct supervision and control of the director of community assistance.

All agreements, contracts, documents and other written instruments relating to the operations of the Transportation Agency shall be prepared by the executive on transportation and approved by the director of community assistance, and thereafter signed by the Mayor or the Director of Finance, as provided in the Kauai County Charter. When so required by the Kauai County Charter or the Kauai County Code, 1987, Council approval shall also be obtained.

(d) Powers and duties of the executive on transportation. The executive on transportation shall:

(1) Administer the affairs of the Transportation Agency.

(2) Plan, develop and manage the operation of the mass transit systems in conjunction with the State and Federal government to carry out the purposes of the Transportation Agency, establish routes, schedules and levels of service.

(3) Subject to applicable requirements of this section 2-1.18, transmit any contracts to the appropriate County persons or bodies for approval.

(e) Annual Budget. The executive on transportation shall prepare an annual budget for the Transportation Agency commencing with the annual budget for fiscal year 2000-2001. The annual budget shall include an accounting of all funds to be received from all sources, including County, State and Federal funds, and for all expenditures to be made from such funds. This annual budget shall be furnished to the director of community assistance, who shall in turn furnish this budget to the Director of Finance and the Mayor, who shall submit it as part of the annual budget ordinance of the County to the Council, as provided in the Kauai County Charter. No funds shall be expended from any accounts unless authorized by the County pursuant to the budgetary process. The use of all Federal funds proposed in the Transportation Agency budget shall be subject to all applicable Federal regulations, laws and restrictions.

(f) The executive on transportation may adopt rules pursuant to Chapter 91, Hawaii Revised Statutes, necessary to effectuate the purposes of this ordinance.

(g) If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable. (Ord. No. 674, February 13, 1995; Ord. No. 740, July 6, 1999; Ord. No. 802, May 28, 2003)

Sec. 2-1.19 Offices of Community Assistance.

(a) Organization and Administration. There shall be an administrative office called the "Offices of Community Assistance" under the Mayor's Office. The office shall be

headed by a director of community assistance who shall be appointed by the Mayor and approved by the Council and who may be removed by the Mayor. The director shall be under the direct supervision and control of the Mayor. The director may establish staff positions as may be funded by the County Council and as may be within the funds available for staffing from Federal, State, or County funds.

There shall be an Agency on Elderly Affairs, a Kauai County Housing Agency, a Transportation Agency, and Recreation Agency under the supervision and control of the Offices of Community Assistance. Each agency shall be headed by an executive who shall be under the direct supervision and control of the director of community assistance.

The annual budgets furnished to the director of community assistance by the Agency on Elderly Affairs, the Kauai County Housing Agency, the Transportation Agency, and Recreation Agency shall be reviewed by the director and, subject to any changes made by the director, submitted to the Director of Finance and the Mayor, who shall include the budget or budgets as part of the annual County budget ordinance that is submitted to the Council.

(b) Powers and Duties of the director of the Offices of Community Assistance. The director shall:

(1) Administer matters of the Agency on Elderly Affairs, the Housing Agency, the Transportation Agency, and Recreation Agency.

(2) Plan, develop and manage the operations of the Agency on Elderly Affairs, the Housing Agency, the Transportation Agency, and Recreation Agency.

(3) Develop and establish policies and plans for the Agency on Elderly Affairs, the Housing Agency, the Transportation Agency, and Recreation Agency.

(c) All rights, powers, functions, and duties of the Office of Elderly Affairs, Transportation Agency, Kauai County Housing Agency, and Recreation Agency which existed prior to the effective date of this Ordinance, are hereby transferred to the Offices of Community Assistance. (Ord. No. 740, July 6, 1999; Ord. No. 802, May 28, 2003)

Sec. 2-1.20 Recreation Agency.

(a) Organization and Administration. There shall be an administrative agency called the Recreation Agency under the Offices of Community Assistance. The agency shall be headed by an Executive on Recreation. The Executive on Recreation shall be under the direct supervision and control of the director of community assistance. The Executive on Recreation may establish staff positions as may be funded by the County Council and as may be within the funds available for staffing from Federal, State or County funds.

(b) Annual Budget. The Executive on Recreation shall prepare an annual budget for each fiscal year. The annual budget shall include an accounting of all funds to be received from all sources, including County, State and Federal funds,

and for all expenditures to be made from such funds. This annual budget shall be furnished to the Director of Community Assistance, who shall in turn furnish this budget to the Director of Finance and the Mayor, who shall submit it as part of the annual budget ordinance of the County to the Council, as provided in the Kauai County Charter. No funds shall be expended from any accounts unless authorized by the County pursuant to the budgetary process. The use of all Federal funds proposed in the Recreation Agency's budget shall be subject to all applicable Federal regulations, laws and restrictions.

(c) All agreements, contracts, documents and other written instruments relating to the operations of the Recreation Agency shall be prepared by the Executive on Recreation and approved by the Director of Community Assistance, and thereafter signed by the Mayor or the Director of Finance, as provided in the Kauai County Charter. When so required by the Kauai County Charter or Kauai County Code, 1987, Council approval shall also be obtained. (Ord. No. 802, May 28, 2003)

ARTICLE 2. BOARDS, COMMISSIONS AND COMMITTEES

Sec. 2-2.1 County Pension Board.

There shall be a county pension board as provided by law. (C. 88, H.R.S.; Sec. 2-2.1, R.C.O. 1976)

Sec. 2-2.2 Pension Board For Police Officers And Firefighters.

There shall be a pension board for police officers and fire fighters as provided by law. (C. 88, H.R.S.; Sec. 2-2.2, R.C.O. 1976)

Sec. 2-2.3 County Highway Safety Council.

There shall be a county highway safety council as provided by law. (Sec. 286-6, H.R.S.; Sec. 2-2.4, R.C.O. 1976)

Sec. 2-2.4 Board Of Ethics.

There shall be a board of ethics as provided by law. (Art. XX, Charter; Sec. 2-2.8, R.C.O. 1976)

Sec. 2-2.5 Police Commission.

There shall be a police commission as provided by law. (Art. XI, Charter; Sec. 2-2.9, R.C.O. 1976)

Sec. 2-2.6 Planning Commission.

There shall be a planning commission as provided by law. Art. XIV, Charter; Sec. 2-2.10, R.C.O. 1976)

Sec. 2-2.7 Board Of Water Supply.

There shall be a board of water supply as provided by law. (Art. XVII, Charter; Sec. 2-2.11, R.C.O. 1976)

Sec. 2-2.8 Salary Commission.

There shall be a Salary Commission as provided by Article XXIX of the Kauai County Charter. (Ord. No. 489, May 30, 1986; Art. XXIX, Charter; Ord. No. 549, February 8, 1989)

Sec. 2-2.9 Kauai Historic Preservation Review Commission.

There shall be a Kauai Historic Preservation Review Commission as provided by Chapter 8, Article 25 of this Code. (Ord. No. 496, December 24, 1986)

Sec. 2-2.10 Cost Control Commission.

There shall be a Cost Control Commission as provided by Article XXVIII of the Kauai County Charter. (Art. XXVIII, Charter)

ARTICLE 3. ADMINISTRATIVE CODE

Sec. 2-3.1 Purpose And Title.

An ordinance establishing an administrative code providing for a plan of administrative organization of the executive agencies of the County government. This Article shall be known and may be cited as the "Administrative Code of the County of Kauai". (Ord. No. 143, November 6, 1969; Sec. 26, C.O. 1971; Sec. 2-3.1, R.C.O. 1976)

Sec. 2-3.2 Executive Agencies.

The executive agencies to which this Article shall apply are as follows:

- (1) Mayor
 - (2) County Attorney
 - (3) Department of Finance
 - (4) Police Department
 - (5) Fire Department
 - (6) Department of Public Works
 - (7) Planning Department
 - (8) Department of Personnel Services
 - (9) Liquor Control Commission
 - (10) Department of Water
 - (11) Civil Defense Agency
- (Ord. No. 143, November 6, 1969; Sec. 26, C.O. 1971; Sec. 2-3.2, R.C.O. 1976)

Sec. 2-3.3 Administrative Organization.

The administrative organization of the executive agencies listed in Section 2-3.2 shall be designated as an "Exhibit" and shall be numbered to correspond with the order of the agencies in Section 2-3.2. The "Exhibit" shall be located in Appendix "A" of the Code. (Ord. No. 143, November 6, 1969; Sec. 26, C.O. 1971; Sec. 2-3.3, R.C.O. 1976)

CHAPTER 2A

RENTAL HOUSING LOAN PROGRAM

- Article 1. Establishment Of Program
 Sec. 2A-1.1 Establishment of Program
- Article 2. Promulgation Of Rules And Regulations
 Sec. 2A-2.1 Promulgation Of Rules And Regulations

ARTICLE 1. ESTABLISHMENT OF PROGRAM

Sec. 2A-1.1 Establishment of Program.

This Chapter establishes a loan program for the financing of multifamily rental housing units by utilizing revenue bonds. Such revenue bonds shall be authorized and issued pursuant to Sections 46-15.1 and 46-15.2 and Chapter 49, Hawaii Revised Statutes. (Ord. No. 654, May 17, 1994)

ARTICLE 2. PROMULGATION OF RULES AND REGULATIONS

Sec. 2A-2.1 Promulgation of Rules and Regulations.

The Housing Administrator of the Kauai County Housing Agency is hereby authorized and directed, under and pursuant to and upon compliance with Part II, Chapter 201E, Chapter 91 and Chapter 92, Hawaii Revised Statutes, as amended, and the Charter of the County of Kauai, to adopt from time to time rules and regulations for the multifamily rental housing program for the County authorized hereby. Said rules and regulations shall further the purposes of the multifamily rental housing program of the County and consistent with the purposes of Part II, Chapter 201E, Hawaii Revised Statutes, as amended, and of this ordinance. Such rules and regulations shall have the force and effect of law. The Housing Administrator shall file in the office of the County Clerk not less than four copies of such rules and regulations. (Ord. No. 654, May 17, 1994)

CHAPTER 3

INTERNAL COUNTY REGULATIONS

(The purpose of this Chapter is to provide for those ordinances regulating the conduct, powers, duties and compensation of County officers and employees.)

Article 1.	Code Of Ethics
Sec. 3-1.1	Construction
Sec. 3-1.2	Applicability
Sec. 3-1.3	Definitions
Sec. 3-1.4	Gifts
Sec. 3-1.5	Confidential Information
Sec. 3-1.6	Fair Treatment
Sec. 3-1.7	Conflicts Of Interest
Sec. 3-1.8	Contracts
Sec. 3-1.9	Requirements Of Disclosure
Sec. 3-1.10	Restrictions On Post Employment
Sec. 3-1.11	Violation; Penalties
Article 2.	Salaries Of Certain Officers
Sec. 3-2.1	Salaries Of Certain Officers
Article 3.	Salaries Of The County Council
Sec. 3-3.1	Salaries Of The County Council
Article 4.	Salaries Of Council Services Employees
Sec. 3-4.1	Salaries Of Council Services Employees
Sec. 3-4.2	Retroactive Application
Article 5.	Travel Allowance
Sec. 3-5.1	Per Diem Allowance For Travel
Sec. 3-5.2	Administration

ARTICLE 1. CODE OF ETHICS

Sec. 3-1.1 Construction.

This Article shall be liberally construed to promote high standards of ethical conduct in County government.
(Sec. 3-1.1, R.C.O. 1976)

Sec. 3-1.2 Applicability.

This Article shall apply to every nominated, appointed, or elected officer or employee of the County of Kauai, including members of boards, commissions and committees.
(Sec. 3-1.2, R.C.O. 1976)

Sec. 3-1.3 Definitions.

When used in this Article the following words or phrases shall have the meaning given in this Section unless it shall be apparent from the context that a different meaning is intended:

(1) "Business" includes a corporation, a partnership, a sole proprietorship, a trust or foundation, or any other individual or organization carrying on a business, whether or not operated for profit.

(2) "Compensation" means any money, thing of value, or economic benefit conferred on or received by any person in return for services rendered or to be rendered by himself or another.

(3) "Controlling Interest" means an interest which is sufficient in fact to control, whether the interest be greater or less than fifty per cent (50%).

(4) "Employee" means any nominated, appointed or elected officer or employee of the County including members of boards, commissions and committees and employees under contract to the County, but excluding Councilmen.

(5) "Employment" means any rendering of services for compensation.

(6) "Financial Interest" means an interest held by an individual, his spouse or his minor children. A divorce or separation between spouses shall not terminate any relationship which is:

(A) An ownership in a business.

(B) A creditor interest in an insolvent business.

(C) An employment, or prospective employment for which negotiations have begun.

(D) An ownership interest in real or personal property.

(E) A loan or other debtor interest.

(F) A directorship or officership in a business.

(7) "Official Act" or "Official Action" means a decision, recommendation, approval, disapproval, or other action, including inaction, which involves the use of discretionary authority.

(8) "Official Authority" includes administrative or legislative powers of decision, recommendation, approval, disapproval or other discretionary action.

(9) "County Agency" includes the County, the Council and its committees, all executive departments, boards, commissions, committees, bureaus, offices and all independent commissions and other establishments of County government. (Sec. 3-1.3, R.C.O. 1976)

Sec. 3-1.4 Gifts.

(a) No councilman or employee of the County shall solicit, accept, or receive directly or indirectly any gift, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it can reasonably be inferred that the gift is intended to influence him in the performance of his official duties or is intended as a reward for any official action on his part. (Sec. 20.02, Art. XX, Charter; Sec. 25, C.O. 1971; Sec. 3-1.4, R.C.O. 1976)

(b) The prohibition against gifts in Section 3-1.4(a) shall not apply to:

(1) An occasional non-pecuniary gift, insignificant in value, or

(2) An award publicly presented in recognition of public service, or

(3) Any gift which would have been offered or given to him if he were not an official or employee. (Sec. 3-1.4, R.C.O. 1976)

Sec. 3-1.5 Confidential Information.

No councilman or employee of the County shall disclose information which by law or practice is not available to the public and which he acquires in the course of his official duties, or use the information for his personal gain or for the benefit of anyone. (Sec. 20.02, Art. XX, Charter; Sec. 3-1.5, R.C.O. 1976)

Sec. 3-1.6 Fair Treatment.

No councilman or employee of the County shall use or attempt to use his official position to secure or grant unwarranted privileges, exemptions, advantages, contracts, or treatment for himself or others, including but not limited to the following:

(1) Seeking other employment or contract for services for himself by the use or attempted use of his office or position.

(2) Accepting, receiving, or soliciting compensation or other consideration for the performance of his official duties or responsibilities except as provided by law.

(3) Using County time, equipment or other facilities for private business purposes.

(4) Soliciting, selling, or otherwise engaging in a substantial financial transaction with a subordinate or person or business whom he inspects or supervises in his official capacity.

Nothing in this Article shall be construed to prohibit a councilman from introducing bills and resolutions, serving on committees or from making statements or taking action in the exercise of his legislative functions. Every

Councilman shall file a full and complete public disclosure of the nature and extent of the interest or transaction which he believes may be affected by legislative action in compliance with the disclosure requirements of Section 3-1.9 (Sec. 20.01, Art. XX, Charter; Sec. 25, C.O. 1971; Sec. 3-1.6, R.C.O. 1976)

Sec. 3-1.7 Conflicts Of Interest.

(a) No employee shall take any official action directly affecting:

(1) A business or other undertaking in which he has a substantial financial interest; or

(2) A private undertaking in which he is engaged as legal counsel, advisor, consultant, representative, or other agency capacity.

Except that a department head who is unable to disqualify himself on any matter described in items (1) and (2) of this Section, will not be in violation of this Subsection if he has complied with the disclosure requirements of Section 3-1.9; and

Except that a member of a board, commission or committee, whose participation is necessary in order to constitute a quorum to conduct official business on any matter described in items (1) and (2) above, will not be in violation of this Subsection if he has complied with the disclosure requirements of Section 3-1.9.

(b) No councilman or employee shall acquire financial interests in any business or other undertaking which he has reason to believe may be directly involved in official action to be taken by him.

(c) No councilman or employee shall assist any person or business or act in a representative capacity before any County agency for a contingent compensation in any transaction involving the County.

(d) No councilman or employee shall assist any person or business or act in a representative capacity for a fee or other compensation to secure passage of a bill or to obtain a contract, claim, or other transaction or proposal in which he has participated or will participate as a councilman or employee, nor shall he assist any person or business or act in a representative capacity for a fee or other compensation on a bill, contract, claim or other transaction or proposal before the Council or agency of which he is an employee or councilman.

(e) No employee shall assist any person or business or act in a representative capacity before a County agency for a fee or other consideration on any bill, contract, claim, or other transaction or proposal involving official action by the agency if he has official authority over that County agency unless he has complied with the disclosure requirements of Section 3-1.9. (Sec. 20.01, Art. XX, Charter; Sec. 25, C.O. 1971; Sec. 3-1.7, R.C.O. 1976)

Sec. 3-1.8 Contracts.

(a) A County agency shall not enter into any contract with a councilman or an employee or with a business in which a councilman or an employee has a controlling interest, involving services or property of a value in excess of five hundred dollars (\$500), unless the contract is made after competitive bidding.

(b) A County agency shall not enter into a contract with a person or business which is represented or assisted personally in the matter by a person who has been an employee of the agency within the preceeding six (6) months and who participated while in County office or employment in the matter with which the contract is directly concerned.

(c) This Section shall not apply to a personal contract of employment with the County. (Sec. 20.03, Art. XX, Charter; Sec. 3-1.8, R.C.O. 1976)

Sec. 3-1.9 Requirements Of Disclosure.

(a) The mayor, councilpersons, all department heads and deputies, members of boards and commissions and the purchasing agent shall, within thirty (30) days of assuming office, file with the Board of Ethics a list of all real property within the County in which he has any right, title or interest; a list of all business firms which contract for County business in which he has any interest; all places of employment, including part-time employment; and all sources and amounts of income, business ownership, officer and director positions, debts, creditor interests in insolvent businesses and the names of persons represented before government agencies. Amendments to the list, including additions, deletions or changes in title, interest in property or of employment, shall be made within thirty (30) days of the occurrence of the amendment. The list shall be a matter of public record.

(b) All candidates for elective office shall, within seven (7) days of filing nomination papers, file with the Board of Ethics a list of all real property within the County in which he has any right, title or interest; a list of all business firms which contract for County business in which he has any interest; all places of employment, including part-time employment; and all sources and amounts of income, business ownership, officer and director positions, debts, creditor interests in insolvent businesses and the names of persons represented before government agencies. Amendments to the list, including additions, deletions or changes in title, interest in property or of employment shall be made within seven (7) days of the occurrence of the amendment. The list shall be a matter of public record.

(c) The Board of Ethics shall prescribe the form or forms to be executed and shall fix the date when the initial disclosure must be filed.

(d) Any councilman who has a financial interest in any proposed legislation before the council shall disclose on the record of the council the nature and extent of the interest.

(e) Any employee who has a financial interest in any proposed legislative action of the council and who participates in discussion with or gives an official opinion or recommendation to the council shall disclose on the record of the council the nature and extent of the interests.

(f) In addition to the non-compulsory meetings that can be called by the chairman or by a majority of the Board of Ethics there shall be one (1) compulsory meeting of the Board of Ethics that shall be held annually on a date designated by the Board of Ethics for the purpose of reviewing and verifying all disclosure forms to insure that they have been kept current and that any modifications thereon have been duly recorded.

(g) Any violation of any of the provisions of this section shall, at the option of the Director of Finance, render forfeit and void the contract, work, business, sale or transaction affected. Any violation of any of the provisions of this section shall constitute cause for fine, suspension or removal from office or employment. (Ord. No. 142, May 7, 1969; Sec. 25, C.O. 1971; Sec. 3-1.9, R.C.O. 1976; Ord. No. 387, June 26, 1980)

Sec. 3-1.10 Restrictions On Post Employment.

(a) No former councilman or employee shall, within six (6) months after termination of his employment, assist any person or business or act in a representative capacity for a fee or other consideration, on matters in which he participated as a councilman or employee.

(b) No former councilman or employee shall, within six (6) months after termination of his employment, assist any person or business or act in a representative capacity for a fee or other consideration, on matters involving official action by the particular county agency or subdivision thereof with which he had actually served.

(c) This Section shall not prohibit any agency from contracting with a former councilman or employee to act on a matter on behalf of the County within the period of limitations stated herein, and shall not prevent that councilman or employee from appearing before any agency in relation to that employment. (Sec. 3-1.10, R.C.O. 1976)

Sec. 3-1.11 Violation; Penalties.

(a) In addition to any other penalty provided by law, any contract entered into by the County in violation of this Article is voidable on behalf of the County at the option of the Director of Finance, provided that in any action to avoid a contract pursuant to this Section the interests of

third parties who may be damaged thereby shall be taken into account, and the action to void the transaction is initiated within sixty (60) days after the determination of a violation under this Article. The County Attorney shall have the authority to enforce this provision.

(b) Any favorable county action obtained in violation of any of the standards for councilmen or employees is voidable in the same manner as voidable contracts as provided for under Section 3-1.11(a); and the County by the County Attorney may pursue all legal and equitable remedies available to it.

(c) The County Attorney may recover any fee, compensation, gift or profit received by any person as a result of a violation of these standards by a councilman or employee or former councilman or employee. Action to recover under this Subsection (c) shall be brought within two (2) years of the violation under this Article.

(d) Any violation of any of the provisions of this Article shall constitute cause for fine, suspension or removal from office or employment. (Ord. No. 142, May 7, 1969; Sec. 25, C.O. 1971; Sec. 3-1.11, R.C.O. 1976)

ARTICLE 2. SALARIES OF CERTAIN OFFICERS

Sec. 3-2.1 Salaries of Certain Officers.

(a) Effective July 1, 2004, the annual salaries, payable semi-monthly, of certain county officers and employees shall be as follows:

POSITION	
Mayor	\$80,000
Administrative Assistant	\$77,000
County Engineer	\$75,000
Deputy County Engineer	\$63,480-\$69,000
Director of Finance	\$75,000
Deputy Director of Finance	\$63,480-\$69,000
County Attorney	\$75,000
First Deputy County Attorney	\$63,480-\$69,000
Deputy County Attorney	\$60,720-\$66,000
Prosecuting Attorney	\$75,000
First Deputy Prosecuting Attorney	\$63,480-\$69,000
Deputy Prosecuting Attorney	\$60,720-\$66,000
Chief of Police	\$75,000
Deputy Chief of Police	\$63,480-\$69,000
Planning Director	\$75,000
Deputy Planning Director	\$63,480-\$69,000
Director of Personnel	\$72,000
Manager and Chief Engineer, Department of Water	\$75,000
Deputy Manager-Engineer, Department of Water	\$63,480-\$69,000
Fire Chief	\$75,000
County Clerk	\$75,000
Deputy County Clerk	\$63,480-\$69,000

Director of Economic Development	\$72,000
Director of Liquor Control	\$72,000
Director of Community Assistance	\$72,000

(b) The respective appointing authority may set the starting salary and increases in salary of an appointee at any figure below the established salary, provided, however, the starting salary of any deputy appointee shall not be less than the minimum established salary set forth in Sec. 3-2.1(a).

(c) The starting salary for newly-hired deputy appointees as specified in Sec. 3-2.1(b) shall take into consideration education, years of experience, and qualifications coming into the position.

(d) Officers listed in Section 3-2.1 may receive a portion of their salary through the County's payment of health fund premium benefits over and above the amount the County normally contributes toward those officers' benefits. Amounts paid by the County which are over and above the County's normal health fund premium contributions shall be deducted from the affected officer's salary. (Ord. No. 124, August 18, 1965; Ord. No. 138, August 7, 1968; Ord. No. 140, February 3, 1969; Ord. No. 141, March 5, 1969; Ord. No. 179, July 3, 1973; Ord. No. 190, August 22, 1973; Ord. No. 228, October 18, 1974; Ord. No. 258, July 3, 1975; Ord. No. 279, April 14, 1976; Sec. 3-2.1, R.C.O. 1976; Ord. No. 327, September 26, 1977; Ord. No. 343, March 8, 1978; Ord. No. 352, October 24, 1978; Sec. 3-2.1, 1978 Cumulative Supplement; Ord. No. 367, July 1, 1979; Ord. No. 380, April 2, 1980; Ord. No. 411, July 1, 1981; Ord. No. 458, April 25, 1984; Ord. No. 468, September 26, 1984; Ord. No. 470, January 21, 1985; Ord. No. 479, September 12, 1985; Ord. No. 545, August 3, 1988; Ord. No. 587, July 25, 1991; Ord. No. 669, January 11, 1995; Ord. No. 678, March 20, 1995; Ord. No. 681, March 28, 1995; Ord. No. 703, May 31, 1996; Ord. No. 740, July 6, 1999; Ord. No. 757, January 29, 2001; Ord. No. 818, June 29, 2004)

ARTICLE 3. SALARIES OF THE COUNTY COUNCIL

Sec. 3-3.1 Salaries Of The County Council.

The annual salaries, payable semi-monthly, of the Kauai County Council shall be as follows:

<u>Position</u>	<u>1/1/97</u>	<u>1/1/98</u>
Council Chair	\$30,563	\$31,938
Councilmember	\$27,506	\$28,744

(Ord. No. 124, August 18, 1965; Ord. No. 259, July 3, 1975; Sec. 3-3.1, R.C.O. 1976; Ord. No. 545, August 3, 1988; Salary Commission Resolution, October 16, 1990; Salary Commission Resolution, November 9, 1994; Salary Commission Resolution, November 26, 1996)

ARTICLE 4. SALARIES OF COUNCIL SERVICES EMPLOYEES**Sec. 3-4.1 Salaries Of Council Services Employees.**

(a) Pay Plan; Pay Schedule. The following pay plan and pay schedule for the Council Services staff are hereby established:

PAY PLAN

<u>Positions</u>	<u>Pay Ranges</u>
Council Services Clerk	CR-2
Committee Secretary	CR-3
*Administrative Secretary.	CR-4
Legislative Analyst	CR-6
Legal Analyst	CR-7
*Administrative Assistant.	CR-8
*Executive Assistant	CR-9

PAY SCHEDULE

<u>Pay Ranges</u>	<u>Step I</u>	<u>Step II</u>	<u>Step III</u>
CR-2	\$ 9,924	\$10,860	\$11,820
CR-3	\$10,824	\$11,820	\$12,876
*CR-4	\$11,808	\$12,876	\$13,452
CR-5	\$13,488	\$14,676	\$15,336
CR-6	\$16,140	\$17,299	\$18,458
CR-7	\$19,164	\$20,368	\$21,572
*CR-8	\$21,936	\$22,980	\$24,060
*CR-9	\$24,432	\$25,188	\$26,388

<u>Pay Ranges</u>	<u>Step IV</u>	<u>Step V</u>	<u>Step VI</u>
CR-2	\$12,336	\$13,452	\$14,052
CR-3	\$13,452	\$14,676	\$15,336
*CR-4	\$14,676	\$16,032	\$17,508
CR-5	\$16,752	\$18,324	\$20,776
CR-6	\$19,617	\$21,935	\$23,980
CR-7	\$22,776	\$25,184	\$26,788
*CR-8	\$25,188	\$27,624	\$28,868
*CR-9	\$27,624	\$28,686	\$30,300

CR - Council Rating

*Established for the future when present incumbents are not classified. Incumbents currently subject to civil service and classification requirements are not affected by this Article.

(b) The Council may authorize the appointment of a Deputy Clerk for which appropriation has been made by the Council and whose salary shall not exceed ninety five percent (95%) of the County Clerk's.

(c) The Council Chairman may, with the approval of the Council:

(1) Appoint Council employees at any step in the appropriate pay range for the position; and

(2) Change the pay step of any employee to any step in the appropriate pay range for the position.

(d) The Council may adjust the salaries of the staff whenever County employees are granted increases under Chapter 89C, H.R.S. If such adjustments are granted by the Council, the adjustments shall be not less than the adjustments granted under the said chapter to employees with equivalent or identical positions. (Ord. No. 384, May 21, 1980; Ord. No. 479, September 12, 1985)

Sec. 3-4.2 Retroactive Application.

This pay scale shall be retroactive as of July 1, 1979. (Ord. No. 384, May 21, 1980)

ARTICLE 5. TRAVEL ALLOWANCE

Sec. 3-5.1 Per Diem Allowance for Travel.

The per diem allowance for both inter-island travel and out-of-state travel for County officers and employees not affected by a collective bargaining agreement shall be identical to the allowance established in the Unit 13 Collective Bargaining Agreement. (Ord. No. 148, February 16, 1971; Sec. 3-4.1, R.C.O. 1976; Ord. No. 395, August 7, 1980; Ord. No. 749, September 22, 2000)

Sec. 3-5.2 Administration.

The Director of Finance is authorized to administer the payment of per diem allowances as set out in the travel policy and to establish the necessary administrative practices relating thereto. (Ord. No. 148, February 16, 1971; Sec. 3-4.3, R.C.O. 1976; Ord. No. 749, September 22, 2000)

CHAPTER 4
GENERAL PROVISIONS RELATING TO COUNTY
ORGANIZATION AND ADMINISTRATION

(The purpose of this Chapter is to accommodate those ordinances that have an impact on county government but do not, in the strictest sense, concern or regulate any one department or division of conventional county organization and administration.)

Article 1. (Reserved)

Article 2. Public Records

Sec. 4-2.1 Purpose

Sec. 4-2.2 Reproduction Fees

Sec. 4-2.3 Exemptions

Sec. 4-2.4 Charges For Searches Of Real Property Tax Records, And Tax Clearance

Article 3. Electronic Public Data

Sec. 4-3.1 Purpose

Sec. 4-3.2 Definitions

Sec. 4-3.3 Policy Governing The Availability Of Data

Sec. 4-3.4 Charges For Furnishing Data

Sec. 4-3.5 Director Of Finance To Administer

Sec. 4-3.6 Penalty

Article 4. Initiative And Referendum Petition

Sec. 4-4.1 Initiative And Referendum Petition; Form And Sufficiency

Sec. 4-4.2 Verification Of Signatures

Sec. 4-4.3 Sample Format Of Petition Heading

ARTICLE 1. (RESERVED)

ARTICLE 2. PUBLIC RECORDS

Sec. 4-2.1 Purpose.

An ordinance establishing charges for the reproduction of public records. (Ord. No. 309, June 9, 1977; Sec. 4-2.1, 1978 Cumulative Supplement)

Sec. 4-2.2 Reproduction Fees.

(a) All departments and agencies of the County of Kauai shall impose and collect the following charges for a reproduced copy of any public record in their custody, excepting those records described in Sections 4-2.2 (b), (c), and (d) of this Article, the reproduction of which is requested by any person for private use:

Standard Letter or Legal Size Reports

- 10 Pages or Less..... \$ 0.50 per page.
- More than 10 pages..... \$ 0.50 per page for first 10
pages and \$ 0.25 per page thereafter.
- More than 50 pages.... \$ 0.10 per page if done by
self-service. The operator must be trained
and authorized to run the machine, otherwise charge
shall be \$0.25 per page.

(b) Any department or agency shall impose and collect the following charges for a reproduced copy of any of the public records in its custody as described below, the reproduction of which is requested by any person for private use:

- (1) Copyflex paper.....\$ 0.50 per square foot
(\$2.00 minimum)
- (2) Subdivision, Zoning
and Tax Maps (maximum
size 8-1/2" x 14").....\$ 1.00 per sheet
- (3) Sepia paper.....\$ 5.00 per square foot
- (4) Mylar film.....\$ 10.00 per square foot
- (5) Aerial contour maps
on copyflex paper.....\$ 30.00 per sheet
- (6) Aerial contour maps
on sepia paper..... \$550.00 per sheet
- (7) Aerial contour maps
on mylar film..... \$600.00 per sheet

(c) All public records in pamphlet, brochure, book or other bound form produced by the County or a commercial firm shall be sold at cost plus ten percent (10%), more or less, to the nearest Twenty-Five Cents (25 cents).

(d) The County Clerk may charge an additional Fifty Cents (50 cents) per certification on any record requested of him to be certified. (Ord. No. 309, June 9, 1977; Ord. No. 376, December 10, 1979; Sec. 4-2.2, 1978 Cumulative Supplement)

Sec. 4-2.3 Exemptions.

(a) State and County agencies shall be exempt from the imposition of any charges for the reproduction of any records contained in this Article.

(b) This Article shall not require the County Clerk to impose a charge for the reproduction of proposed ordinances, resolutions or other matters required by Charter to be distributed or made available for purposes of public notice. The County Clerk may limit the number of copies available for distribution.

(c) This Article shall not require the reproduction for private use of any public document that is privileged or confidential. No personal or private papers for private use shall be reproduced on County facilities. (Ord. No. 309, June 9, 1977; Sec. 4-2.3, 1978 Cumulative Supplement)

Sec. 4-2.4 Charges for Searches of Real Property Tax Records, and Tax Clearance.

Searches of real property tax records, updating of real property tax bills, etc. will be in writing and will be furnished upon the payment of a minimum fee of \$5.00 per tax map key per tax year; provided however, said search(es) will be done on a time available basis and the fee will not be applicable to an owner or lessee making an inquiry concerning his own property or property leased to him; further provided, that this search be limited to the records of the current tax year. Tax searches will include preparation of statements of title history, assessment information, taxes due, and other similar record searches.

A minimum fee of \$5.00 for each 15 minutes or fraction thereof expended will be charged for each tax clearance.

Any request for a record or document that requires a certification stamp signed by the Director of Finance attesting that the document is a true copy will be provided at a cost of one dollar (\$1.00) per page in addition to the reproduction costs.

Where the search includes information that is part of an electronic database or other electronic system of information storage, the following charges shall apply:

All tax maps of Kauai on compact disc (CD)	\$150 (complete set)
All condominium maps on CD	\$150 (complete set)
All tax maps and condominium maps on CD	\$250 (complete set)

Electronic files of maps, other electronically captured images, photos, scanned documents and/or files included in E-mailed documents:

\$5.00 minimum fee for one, two or three maps or files
\$2.00 for each additional map or file.

Electronic files of maps copied to 1.44 MB disk, CD or other media:

\$10.00 minimum fee for one, two or three maps
\$2.00 for each additional map, up to the capacity of the media.

Other electronically captured images, photos, scanned documents and/or the same included in E-mailed documents or copied to 1.44 MB disk, CD or other media:

\$10.00 minimum fee
\$2.00 for each additional file

\$250 for each existing report from the Integrated Assessment System computer data base, on a CD or electronically transferred.

The cost of creating custom data downloads will be billed at \$40.00 per hour, minimum of one hour. Service will be

provided on an "as available" basis. A non-refundable deposit of 50% of the estimated cost must be made before work begins.

The term compact disc or CD shall mean and include compact disc or any other comparable electronic storage media. All fees shall be payable in advance. (Ord. No. 528, December 9, 1987; Ord. No. 783, May 13, 2002)

ARTICLE 3. ELECTRONIC PUBLIC DATA

Sec. 4-3.1 Purpose.

An ordinance relating to the furnishing of electronic data processing information and services. (Ord. No. 340, January 13, 1978; Sec. 4-3.1, 1978 Cumulative Supplement)

Sec. 4-3.2 Definitions.

When used in this Article the following words or phrases shall have the meaning given in this Section unless it shall be apparent from the context that a different meaning is intended:

(1) "Electronic Public Data" means information stored at the County Computer Center and which may be released where provided by law.

(2) "Service Bureau" means a firm registered to do business in the State and whose principal business is furnishing data processing services or the City and County of Honolulu, Department of Data Systems.

(3) "Political Party" means any party qualified under Chapter 11, Part V. Parties, H.R.S. as amended or any party which shall hereafter form a political party in the manner provided for in Chapter 11, Part V. Parties, H.R.S. as amended.

(4) "Bona Fide Candidate" means an individual, organization, or association who:

(A) Makes or incurs any expenditures or received contributions that total more than One Hundred Dollars (\$100) with the view toward bringing about the nomination or election of an individual or support or defeat of a ballot issue;

(B) Files nomination papers for public elected office in the State.

(C) If a political candidate or issue is defeated in the primary election, he shall cease to be a bona fide candidate. (Ord. No. 340, January 13, 1978; Sec. 4-3.2, 1978 Cumulative Supplement)

Sec. 4-3.3 Policy Governing The Availability Of Data.

The following policy shall govern the availability of electronic public data:

(a) Public data may be obtained by governmental agencies and the general public in the form of duplicate tapes.

(b) The following conditions shall apply to the release, sale, or rent of public data:

(1) The applicant must obtain written permission from the head of the agency which controls the data, which permission shall be withheld in circumstances where release of the data would result in the invasion of the right of privacy of individuals.

(2) The agency which controls the data may place restrictions on the use of that data in any circumstances where it deems such restrictions are necessary to protect the right of privacy of individuals.

(3) All Federal, State and County statutes and rules and regulations regarding accessibility, privacy and security shall apply.

(4) The head of the agency which controls the data may decline the request if special programming or operating procedures must be developed to meet the needs of the applicant.

(5) The responsible officer of the agency shall review the request with the service bureau.

(6) The request shall be processed by the service bureau on a "not to interfere" basis with respect to other jobs being processed for governmental agencies.

(7) In the case of duplicate tape reel rented by the County the applicant shall agree in writing to return the tape no later than the date specified by the County. The responsible officer of the agency will require a deposit equivalent to any cost incurred by contract or otherwise for loss, damage, replacement or the like, and further provided that the consent of the service bureau is obtained.

(8) The applicant shall pay for all costs incurred in obtaining electronic public data. Said costs may include the expenses incurred by

the service bureau, the cost of obtaining consents where required, the cost of mailing, etc. (Ord. No. 340, January 13, 1978; Sec. 4-3.3, 1978 Cumulative Supplement; Ord. No. 529, December 9, 1987)

Sec. 4-3.4 Charges For Furnishing Data.

(a) Charges for producing a duplicate tape or for furnishing electronic data processing services to authorized agencies shall be computed on the basis of the cost of equipment time, labor, and materials used in connection with processing the requested time.

(b) Government agencies requiring electronic public data for public purposes may be exempt from all or a portion of the cost of the services so provided. (Ord. No. 340, January 13, 1978; Sec. 4-3.4, 1978 Cumulative Supplement)

Sec. 4-3.5 Director Of Finance To Administer.

The provisions of this Article shall be administered by the Director of Finance and he shall be authorized to determine when government agencies may be exempt from payment of charges. (Ord. No. 340, January 13, 1978; Sec. 4-3.5, 1978 Cumulative Supplement)

Sec. 4-3.6 Penalty.

Any person convicted of violating any provision of this Article shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under this Article shall be fined not more than One Thousand Dollars (\$1,000) or imprisoned not more than one (1) year, or both. (Ord. No. 340, January 13, 1978; Sec. 4-3.6, 1978 Cumulative Supplement)

ARTICLE 4. INITIATIVE AND REFERENDUM PETITION

Sec. 4-4.1 Initiative And Referendum Petition; Form And Sufficiency.

For immediate acceptance of the petition, the clerk of the council shall require reasonable compliance with the following:

(1) The petitions indicate by name and mailing address, the five (5) signers who constitute the petitioner's committee for that petition.

(2) The petitions indicate the mailing address which all notices for petitioner's committee are to be sent.

(3) The signatures to petitions be filed on paper of uniform size and style and assembled as one instrument.

(4) Each signer shall affix his own name on the petition in ink or indelible pencil.

(5) Each signer shall give the following information:

(A) Signature (first name, middle initial and last name) which shall be followed by that name printed.

(B) Social security number and place of residence.

(6) The petition shall be signed by the required number of registered voters of the county. Registered voter means a person who has been lawfully registered on or before the date on which the petition is verified by the clerk. (Ord. No. 364, April 19, 1979; Ord. No. 533, January 21, 1988)

Sec. 4-4.2 Verification Of Signatures.

No signature shall be deemed invalid where the clerk is able to identify the signature and the signer's eligibility to sign such petition based upon the records available in the clerk's office. (Ord. No. 364, April 19, 1979)

Sec. 4-4.3 Sample Format Of Petition Heading.

The recommended petition heading format for Initiative and Referendum petitions shall be as follows:

Soc. Sec. No.	Signature	Print Name			Legal Residence Address
		Last	First	M.I.	

(Ord. No. 364, April 19, 1979; Ord. No. 533, January 21, 1988)